

AMENDED IN SENATE MAY 23, 2002

AMENDED IN SENATE MAY 7, 2002

AMENDED IN SENATE APRIL 25, 2002

SENATE BILL

No. 1690

Introduced by Senator Margett

February 21, 2002

An act relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1690, as amended, Margett. Criminal procedure: persons committed to medical facilities: study.

Existing law establishes procedures for determining a person found guilty by reason of insanity has been restored to sanity, and procedures for placing persons who have been committed to medical institutions by criminal procedures to obtain outpatient status.

This bill would direct the State Department of Mental Health to undertake a study regarding the application and impact of those procedures, as specified. This bill would require a report to the Legislature not later than January 1, ~~2003~~ 2004.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The State Department of Mental Health,
2 in collaboration with representatives from the Judicial Council,
3 district attorneys, public defenders, local mental health agencies,
4 the counties, and mental health advocates shall undertake a study
5 of the current application and impact of the process described in
6 Section 1026.2 pertaining to how persons found guilty by reason
7 of insanity are judicially restored to sanity. This study shall
8 examine, but not be limited to, the following issues, from the
9 standpoint of the existing or potential impact on both government
10 processes and on patients affected by this section:

11 (1) The current use of and practices for applications brought
12 pursuant to Section 1026.2, including, but not limited to, how
13 many applications are brought annually statewide and by county,
14 the disposition of these applications, the estimated costs of
15 handling these applications, and how many times applicants
16 previously have filed applications pursuant to Section 1026.2.

17 (2) The incidence of frivolous applications, as determined by
18 objective criteria identified in the study.

19 (3) The potential advantages and disadvantages of increasing
20 the minimum time for inpatient status from 180 days to 365 days,
21 or any other increase contemplated or recommended by the study.

22 (4) The potential advantages and disadvantages of requiring
23 that the local mental health director concur in the restoration of
24 sanity.

25 (5) The potential advantages and disadvantages of requiring
26 that a patient cooperatively, continuously, and regularly engage in
27 treatment plans provided by both the state hospital and the local
28 conditional release program staff while in inpatient treatment.

29 (6) The potential advantages and disadvantages of increasing
30 the current one-year time period for filing an application for a
31 restoration of sanity hearing after a denial to up to five years, or
32 any other increase contemplated or recommended by the study.

33 (7) Any cost avoidance, including for counties, courts,
34 prosecutors, defense attorneys, mental health, or others for cases
35 that do not result in a significant number of days that an applicant
36 spends in the conditional release program.



1 (b) The department shall complete a written report comprised
2 of the study required by this section, and provide a copy of it to the
3 Legislature, no later than January 1, ~~2003~~ 2004.

4 SEC. 2. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety
6 within the meaning of Article IV of the Constitution and shall go
7 into immediate effect. The facts constituting the necessity are:

8 In order to facilitate implementation of corrective procedures
9 regarding outpatient and restoration of sanity procedures, it is
10 necessary that this act take immediate effect.

